

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSHUA T. GARRITY,

Defendant.

No. 2:14-PO-0294-JTR-1

ORDER DENYING DEFENDANT'S  
MOTION TO DISMISS AS MOOT

**THIS MATTER** comes before the Court on Defendant's Motion to Dismiss. ECF No. 25. Defendant is represented by J. Stephen Roberts, Jr., Assistant Federal Defender. The United States is represented by Sam White, Legal Intern, and Tyler Tornabene, a supervising United States Attorney. Defendant Garrity appears in response to an information alleging he failed to comply with the lawful direction of federal officers in violation of 41 C.F.R. § 102-74.385.

Defendant moves to dismiss the misdemeanor charge, arguing the information superseding notice of violation, ECF No. 22, fails to allege an element of the offense - - knowledge. ECF No. 25. Defendant asserts "[t]he lack of a knowledge element and a requisite *mens rea* requires dismissal of the information." ECF No. 25 at 5.

The government has responded to the motion by filing a Superseding Information clarifying that Defendant is charged with "knowingly" failing to comply. ECF No. 30 at 1.

1 Since the issue forming the basis for Defendant's motion to dismiss has been  
2 satisfied by the filing of a Superseding Information by the government, the Court  
3 finds the instant motion to dismiss moot. Accordingly,

4 **IT IS HEREBY ORDERED** Defendant's Motion to Dismiss, **ECF No. 25**,  
5 is **DENIED as moot**. The matter is scheduled for an arraignment and pretrial  
6 conference on June 10, 2015, at 1:30 p.m. in Spokane, Washington.

7 **IT IS SO ORDERED.** The District Court Executive shall enter this order  
8 and furnish copies to counsel and Defendant.

9 DATED June 9, 2015.

A handwritten signature in black ink, appearing to be "M" or "Rodgers", is written above a horizontal line.

JOHN T. RODGERS  
UNITED STATES MAGISTRATE JUDGE